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TOWN OF GRAFTON

GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519
(508) 839-4722

TOWN CLERK

CERTIFICATE OF NO APPEAL

APPROVAL:	PLANNING BOARD MRSP 2002-1, "Ferry Ridge Estates"
PETITIONER:	Ferry Ridge, LLC 896 Boston Post Road, Marlborough, MA
OWNER:	Same
DEED REFERENCE:	Ferry Street Assessors Map 122, Lot 1 Worcester District Registry of Deeds Book 25384, Page 2

02 NOV 18 PM 1:38

This is to certify that a copy of the Decision of the Planning Board of the Town of Grafton for a Special Permit for a 9-lot residential subdivision on the above mentioned site was received and filed in the Office of the Town Clerk on July 23, 2002 at 10:24 a.m.

No Notice of Appeal of the Decision was filed within the twenty days next, the appeal period ending on August 12, 2002.

A true copy, Attest:

(Seal)

Maurice A. Clark
Town Clerk - Grafton, Massachusetts

STAN GORDON
c/o LMI
896 Boston Post Rd
Marlboro, MA
01752

A true copy,
Attest:

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Maureen A. Clark, Town Clerk
Town of Grafton, MA

RECEIVED-TOWN CLERK
GRAFTON, MA.

GRAFTON PLANNING BOARD DECISION

**MAJOR RESIDENTIAL SPECIAL PERMIT (MRSP2002-1)
"FERRY RIDGE ESTATES"**

Jul 23 10 24 AM '02
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Decision of the Grafton Planning Board (hereinafter the Board) on the petition of Ferry Ridge LLC, 896 Boston Post Road, Marlboro, MA (hereinafter the Applicant), for a Major Residential Special Permit (MRSP 2002-1), for a 9-lot residential subdivision on property located on Ferry Street, shown on Grafton Assessor's Map 122, Lot 1 (hereinafter the Site), and owned by Ferry Ridge LLC, by deed recorded in the Worcester District Registry of Deeds: Book 25384, Page 2.

I. BACKGROUND

The application for the above referenced Special Permit (hereinafter Application) was submitted on March 14, 2002. The public hearing on the Application was opened on April 22, 2002, and continued, at the request of the applicant with concurrence of the Planning Board, to the May 20 and June 10, 2002, meetings. Notice of the public hearing and the subject matter thereof was published in the Grafton News on April 3 and 10, 2002, and posted with the Town Clerk's Office. Abutters were notified by First Class Mail. At the public hearing, all those wishing to speak to the petition were heard.

The following Board members were present throughout the public hearing: Chairman Robert Hassinger, Vice Chairman Martin Temple, Clerk Stephen Dunne, and Keith Regan. At the hearings, Paul Grasewicz of GRAZ Engineering, and Stan Gordon, represented the applicant. The record of the proceedings and submissions upon which this decision is based may be referred to in the Office of the Town Clerk or in the Office of the Planning Board.

II. SUBMITTALS

The following items were submitted to the Board for its consideration of this application:

- EXHIBIT 1: Application for Special Permit (MRSP 2002-1), received by the Planning Office on 3/14/02.
- EXHIBIT 2: Application for Approval of a Preliminary Plan, received by the Planning Office on 3/14/02.
- EXHIBIT 3: Written request for waivers from the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts*
- EXHIBIT 4: Comparison between conventional and flexible development plans, prepared by GRAZ Engineering, dated 3/14/02.
- EXHIBIT 5: Town of Grafton Project Information Summary (9 pages), dated 3/14/02.

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EXHIBIT 6: The following plans prepared by GRAZ Engineering, Fitzwilliam, NH, dated March 12, 2002 (5 sheets plus cover sheet), and entitled:

Preliminary Subdivision Plan, Ferry Ridge Estates, Grafton, Massachusetts, (cover sheet);

Ferry Ridge Estates, Preliminary Subdivision:

- *Flexible Land Use Plan (sheet 2 of 6), scale 1" = 60';*
- *Conventional Development Layout Plan (sheet 3 of 6), scale 1"=60';*
- *Flexible Development Layout Plan (sheet 4 of 6), scale 1"=60';*
- *Flexible Development Plan and Profile (sheet 5 of 6), scale 1"=40';*
- *Conventional Development Plan and Profile (sheet 6 of 6), scale 1"=40';*

EXHIBIT 9: Certified List of Abutters, prepared by Grafton Assessor's Office on 3/14/02.

EXHIBIT 10: Public Hearing Legal Notice

EXHIBIT 11: Correspondence from Grafton Building Dept. and ZBA, received by Planning Office on 3/20/02.

EXHIBIT 12: Correspondence from Grafton Treasurer/Collector, received by Planning Office on 3/21/02.

EXHIBIT 13: Return memo from Grafton ZBA, received by Planning Office on 4/3/02.

EXHIBIT 14: Correspondence from Grafton Board of Health, received by Planning Office on 4/3/02.

EXHIBIT 15: Correspondence from Town Administrator/Board of Selectmen, received by Planning Office on 4/4/02.

EXHIBIT 16: Correspondence from Graves Engineering re: Preliminary Conventional/Flexible Plan Review, dated 4/3/02.

EXHIBIT 17: Correspondence from Grafton Conservation Commission, received by Planning Office on 4/12/02.

EXHIBIT 18: Correspondence from GRAZ Engineering re: responses to conventional/flexible plan review, received by Planning Office on 4/16/02.

EXHIBIT 19: Plans identified in EXHIBIT 6, revised through 4/15/02.

EXHIBIT 20: Correspondence from Graves Engineering re: Preliminary Conventional/Flexible Plan Review, dated 4/18/02.

EXHIBIT 21: Correspondence from Waterman Design Associates, dated 4/18/02.

EXHIBIT 22: Planning Board "Sign-In Sheet" for 4/22/02 Public Hearing.

EXHIBIT 23: Applicant's written request for continuance of the Public Hearing to 5/20/02.

EXHIBIT 24: Correspondence from GRAZ Engineering re: responses to conventional/flexible plan review, received by Planning Office on 5/16/02.

EXHIBIT 25: Plans identified in EXHIBIT 6, revised through 5/13/02.

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Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 3 of 13

- EXHIBIT 26: Informational brochure for Evergreen® retaining wall, received by Planning Office on 5/16/02.
- EXHIBIT 27: 11"x17" copies of Sheets 5 and 6 of plans identified in EXHIBIT 6, revised 5/13/02.
- EXHIBIT 28: Correspondence from Graves Engineering re: Preliminary Conventional/Flexible Plan Review, dated 5/16/02.
- EXHIBIT 29: Correspondence from Grafton Treasurer/Collector, received by Planning Office on 5/17/02.
- EXHIBIT 30: Planning Board "Sign-In Sheet" for 5/20/02 Public Hearing.
- EXHIBIT 31: Applicant's written request for continuance of the Public Hearing to 6/10/02.
- EXHIBIT 32: Correspondence from GRAZ Engineering re: development-type preference, received by Planning Office on 5/28/02.
- EXHIBIT 33: Transmittal letter from GRAZ Engineering, received by Planning Office on 6/6/02.
- EXHIBIT 34: (2) Large-size copies of Sheet 4 of plans identified in EXHIBIT 6, revised 6/5/02.
- EXHIBIT 35: 11"x17" copy of Sheet 4 of plans identified in EXHIBIT 6, revised 6/5/02.
- EXHIBIT 36: Correspondence from GRAZ Engineering re: additional waiver request, received by Planning Office on 6/6/02.
- EXHIBIT 37: Correspondence from Grafton Department of Public Works, received by Planning Office on 6/10/02.
- EXHIBIT 38: Planning Board "Sign-In Sheet" for 6/10/02 Public Hearing.
- EXHIBIT 39: Hand-written correspondence from Applicant re: land in Sutton shown on Plans, submitted at Planning Board meeting on 6/10/02.
- EXHIBIT 40: Typed correspondence from Applicant re: land in Sutton shown on Plans, dated 6/21/02.

III. FINDINGS

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings:

- F1.) That the subject Site is located in a Residential-20 zoning district.
- F2.) That this Application is for a Major Residential Development, as defined in Section 2.1 of the Grafton Zoning By-law (hereinafter ZBL).

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Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 4 of 13

- F3.) That Major Residential Developments are permitted in a R-20 zoning district only upon issuance of a Special Permit from the Planning Board in accordance with Section 5.3 of the ZBL.
- F4.) That determinations regarding the following Findings are based upon the plans identified in this Decision, which are preliminary in nature, as well as the materials and information submitted and presented in association with the Application.
- F5.) That determinations regarding the following Findings are predicated upon the submission and approval of a definitive plan developed substantially as shown on the Plans identified as EXHIBITS 25 and 34 of this Decision, and conforms to this Decision and the *Rules and Regulations Governing the Subdivision of Land: Grafton, Massachusetts* (revised through 11-29-99, hereinafter *Rules and Regulations*), except where modified by this Decision, and also conforms to all applicable Federal, State and other Local regulations.
- F6.) That determinations regarding the following Findings are also predicated upon satisfying all of the conditions stated within this Decision and any subsequent Definitive Plan Conditions of Approval.
- F7.) That determinations regarding the following Findings are also predicated upon the satisfactory completion of all road and other improvements in accordance with the *Rules and Regulations*, except where modified by this Decision or any subsequent definitive plan conditions of approval, and also in accordance with all applicable Federal, State and other Local regulations.
- F8.) That the Applicant requested (EXHIBIT 3 of this Decision) the following waivers from the *Rules and Regulations* for the Flexible Development Plan:
- Section 4.1.5.2 – maximum 8% grade (short section proposed at 9.5%);
 - Section 4.1.6.3 – maximum dead-end street length of 500' (800'± proposed);
 - Section 4.1.6.7 – cul-de-sac with 100' diameter R.O.W. (common green proposed in lieu of typical cul-de-sac bulb).
- F9.) That the Applicant requested (EXHIBIT 36 of this Decision) the following waivers from the *Rules and Regulations* for the Flexible Development Plan:
- Section 4.1.6.5 – easement for future roadway extension;
- F10.) That the requested waiver from Section 4.1.6.7, noted in Finding # F8, is not applicable as the Applicant modified the cul-de-sac design (as shown on the Plans identified in EXHIBIT 25) from that shown on the Plans originally submitted with the Application.

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Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 5 of 13

- F11.) That the Applicant submitted a statement (EXHIBIT 39) indicating their intentions regarding possible access to the adjacent land in the Town of Sutton owned by the Applicant. The Board further finds the Applicant, as requested by the Board prior to the close of the public hearing, followed up this statement by submitting EXHIBIT 40.
- F12.) That the Applicant proposes to construct retaining walls on the property of Mr. Veleri (along Camelot Drive) and on Lot 9, as shown on the Flexible Development Plan (EXHIBITS 25 and 34), in association with constructing the roadway and detention basin for this development.
- F13.) That the Planning Board, during the public hearing, informed Mr. Veleri that this wall would be his responsibility and advised him to make sure he fully understands the implications of allowing a retaining wall to be constructed on his property. The Board further finds that Mr. Veleri acknowledged the Board's statements regarding the proposed retaining wall.
- F14.) That the Planning Board, in order to determine the validity and feasibility of the Plans submitted, requested (as recommend by its consulting engineer Graves Engineering) that the Applicant submit information to demonstrate that the proposed retaining walls could be constructed as shown in concept on the Plans identified as EXHIBITS 25 and 34 of this Decision.
- F15.) That the information submitted by the Applicant and by the Board's consulting engineer satisfies the Board's request identified in Finding # F14 of this Decision. The Board further finds, however, that this Finding which approves the conceptual plans for the retaining walls shall not be misconstrued as approval of the designs/specifications for such walls.

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings with regard to Section 5.3.4 of the ZBL:

- F16.) With regard to Section 5.3.4(b)1, that the materials submitted in association with this Application satisfy the filing requirements of this Section regarding a Conventional Development Plan.
- F17.) With regard to Section 5.3.4(b)2, that the materials submitted in association with this Application satisfy the filing requirements of this Section regarding a Flexible Development Plan.

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Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 6 of 13

- F18.) With regard to Section 5.3.4(b)3, that the materials submitted in association with this Application satisfy the filing requirements of this Section regarding a Land Use Plan.
- F19.) With regard to Section 5.3.4(b)4, that the materials submitted in association with this Application satisfy the filing requirements of this Section regarding a comparison of the impacts of a Flexible Development Plan to those that would result from the Conventional Development Plan.
- F20.) With regard to Section 5.3.4(b)5, that the materials submitted in association with this Application satisfy the filing requirements of this Section regarding a list of requested waivers from the *Rules and Regulations*.
- F21.) With regard to Section 5.3.4(b)6, that the materials submitted in association with this Application satisfy the filing requirements of this Section regarding the number of copies of required plans and/or reports.

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings with regard to the minimum dimensional requirements for lots within a Flexible Development, as required by Section 5.3.6 of the ZBL:

- F22.) With regard to Section 5.3.6(a), that the Plan identified as EXHIBIT 25 satisfies the applicable average lot area requirement.
- F23.) With regard to Section 5.3.6(b), that the Plan identified as EXHIBIT 25 satisfies the applicable minimum lot area requirement.
- F24.) With regard to Section 5.3.6(c), that the Plan identified as EXHIBIT 25 satisfies the applicable minimum lot frontage requirement.
- F25.) With regard to Section 5.3.6(d), that the Plan identified as EXHIBIT 25 satisfies the applicable minimum front yard setback requirement.
- F26.) With regard to Section 5.3.6(e), that the Plan identified as EXHIBIT 25 satisfies the applicable minimum side yard setback requirement.
- F27.) With regard to Section 5.3.6(f), that the Plan identified as EXHIBIT 25 satisfies the applicable minimum rear yard setback requirement.

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Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 7 of 13

- F28.) With regard to Section 5.3.6(g), that this requirement is not applicable at this time as this is a requirement for a Definitive Subdivision or Approval Not Required Plan.
- F29.) With regard to Section 5.3.6(h), that the Plan identified as EXHIBIT 25 satisfies the applicable buffer area requirement.
- F30.) With regard to Section 5.3.6(i), that this section is not applicable as the Applicant has not indicated that any of the Common Land will be used as farmland or for farming activity.
- F31.) With regard to Section 5.3.6(j), that the Applicant has not indicated that accessory uses will occur in the required front yards.

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings:

- F32.) That the Plans and information submitted satisfy the minimum requirements of Section 5.3.7 of the ZBL regarding Required Amount of Common Land.
- F33.) That the Plans and information submitted satisfy, to the extent necessary for consideration of a Flexible Development Special Permit, the requirements of Section 5.3.11 regarding Use of the Common Land.
- F34.) That the maximum number of dwelling units which could reasonably be expected to be developed on the property under a Conventional Development Plan in full conformance with zoning, Subdivision Rules, health codes, wetland bylaws, and other applicable requirements is nine (9).
- F35.) That during the public hearing on May 20, 2002, and in accordance with Section 5.3.9 of the ZBL, the Board voted 4 – 0 in favor (Mr. Mitchell abstaining) to recommend to the Applicant that, on balance, it considered the Flexible Development plan presented to be the most beneficial to the Town of the two plans presented.
- F36.) That the Applicant communicated to the Board (EXHIBIT 32 of this Decision), in accordance with Section 5.3.9 of the ZBL, that he wished to pursue the Flexible Development Plan.

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Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 8 of 14

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings with regard to Section 1.5.5 of the ZBL:

- F37.) The special permit application is in harmony with the general purpose and intent of the ZBL.
- F38.) The special permit application if granted would not create a nuisance, hazard or congestion.
- F39.) The special permit application if granted would not cause a substantial harm to the neighborhood.
- F40.) The special permit application if granted would not derogate from the general purpose and intent of the By-law or the stated district objectives or applicable use criteria.

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings with regard to the specific issues listed in Section 1.5.5 of the ZBL:

- F41.) With regard to Section 1.5.5(a), that based upon Findings # F5, # F6 and # F7 with respect to satisfying, in a manner consistent with the proposed improvements shown on the Plans, the D.P.W. Director's concerns regarding the alignment of Old Ferry Street and the proposed road, drainage improvements and sight lines (noted in EXHIBIT 37), the ingress and egress to the property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control and access in case of fire or catastrophe, are adequate.
- F42.) With regard to Section 1.5.5(b), that off-street parking and loading areas where required with particular attention to the items in Finding # F41 above, and the economic, noise, glare, or odor effects of the Special Permit on adjoining properties and properties generally in the district are satisfactory.
- F43.) With regard to Section 1.5.5(c), that refuse collection or disposal and service areas are satisfactory.
- F44.) With regard to Section 1.5.5(d), that screening and buffering with reference to type, dimensions and character are adequate.

A true copy,
Attest:

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Maureen A. Clark, Town Clerk
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Decision - Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 9 of 13

- F45.) With regard to Section 1.5.5(e), that signs and exterior lighting with reference to glare, traffic safety, economic effect is compatible and in harmony with properties in the district.
- F46.) With regard to Section 1.5.5(f), and based upon Findings # F25 - # F32, that the required yards and other open space requirements are adequate.
- F47.) With regard to Section 1.5.5(g), and based upon Finding # F34, that the proposed number of dwelling units conforms to zoning and is similar to abutting properties, and the project is generally compatible with adjacent properties and other property in the district.
- F48.) With regard to Section 1.5.5(h), and based upon satisfying and complying with all applicable Board of Health requirements, that there will not be any significant adverse impact on any public or private water supply.
- F49.) With regard to Section 1.5.5(i), this Section is not applicable as the Site is not located in a Water Supply Protection Overlay District.
- F50.) With regard to Section 1.5.5(j), that protection of important historic, cultural and scenic landscapes with regard to the proposed development is satisfactory.

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 - 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to make the following Findings with regard to Flexible Developments, as required under Section 5.3.8 of the ZBL:

- F51.) That with regard to Section 5.3.8(a), the proposed Flexible Development and proposed uses comply in all respects to the requirements of the Bylaw and enhance the purpose and intent of this Bylaw.
- F52.) That with regard to Section 5.3.8(b), the proposed Flexible Development and proposed uses are in harmony with the existing and probable future uses of the area and with the character of the surrounding area and neighborhood.
- F53.) That with regard to Section 5.3.8(c), the proposed Flexible Development and proposed uses are on balance more beneficial to the Town than the development likely without such approval.
- F54.) That with regard to Section 5.3.8(d), the proposed Flexible Development and proposed uses comply with the requirements of Section 1.5.5 for granting Special Permits.

Maureen A. Clark
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Town of Grafton, MA

Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 10 of 14

F54.) That with regard to Section 5.3.8(d), the proposed Flexible Development and proposed uses comply with the requirements of Section 1.5.5 for granting Special Permits.

F55.) That with regard to Section 5.3.8(e), the proposed Flexible Development will be connected to public sewer.

IV. WAIVERS

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to GRANT the following waiver from the *Rules and Regulations* for the reasons that the waiver requested is consistent with the intent and purposes of the Subdivision Control Law, is consistent with the purposes of the ZBL regarding Major Residential Developments as it minimizes the total amount of disturbance on the site, and will result in public benefit for the reasons stated within this Decision:

- Section 4.1.5.2 – to allow a road grade of 9.5% (instead of the maximum 8%) between stations 3+59.74 and 3+87.90 as shown on the plans identified as EXHIBIT 25 of this Decision.

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to GRANT the following waiver from the *Rules and Regulations* for the reasons that the waiver requested is consistent with the intent and purposes of the Subdivision Control Law, is allowed under the ZBL, and is consistent with past practice:

- Section 4.1.6.3 – to allow a dead-end street length of 560' (instead of the maximum 500').

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to GRANT the following waiver from the *Rules and Regulations* for the reasons stated in Finding # F11 of this Decision:

- Section 4.1.6.5 – to not require an easement for a future roadway extension to adjacent land.

Maureen A. Clark
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Town of Grafton, MA

Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 11 of 13

V. DECISION and CONDITIONS

At their meeting of July 8, 2002, after due consideration of the exhibits submitted and the entire record of proceedings introduced and accepted in this matter, and based on the Findings stated within this Decision, the Grafton Planning Board (motion by Mr. Dunne, seconded by Mr. Temple) voted 4 – 0 in favor (roll call vote: Dunne-aye; Regan-aye; Hassinger-aye; Temple-aye) to GRANT this Special Permit with the following conditions:

- 1.) This Special Permit is for a Flexible Development.
- 2.) Based upon Finding # F34, the total number of dwelling unit lots authorized by this Decision shall not exceed nine (9). This condition, however, shall not be misconstrued as approval of any definitive plan depicting said number of dwelling unit lots, nor shall it be misconstrued as approving any of the lots shown on the Plans with respect to buildability.
- 3.) Pursuant to Section 5.3.10.2, a definitive plan developed substantially as depicted on the Plans identified as EXHIBIT 25 and 34 of this Decision shall be submitted to the Planning Board, and be developed in accordance with, and conform to, the *Rules and Regulations*, unless modified by this Decision. This Condition shall not be misconstrued as approving any definitive plan for development specified in this Decision.
- 4.) Pursuant to Section 5.3.10.3 of the ZBL, the Planning Board reserves the right to require changes to the Flexible Development Plan and impose additional conditions, safeguards and limitations as it deems necessary to secure the objectives of the Bylaw.
- 5.) Pursuant to Section 5.3.10.4, at the time of reviewing any definitive plan derived from this Special Permit, any change in the layout of streets, in the use, ownership and layout of the Common Land, any other conditions stated in this Special Permit, or any information submitted, including requests for any waiver(s) or other relief that is not part of this Special Permit Application, shall require written approval of the Planning Board. The Planning Board may, upon its determination, require a new Special Permit if it finds that the proposed changes are substantial in nature and of public concern, and substantially alter the plans and information used in making this Special Permit decision.
- 6.) If during the review of any definitive plans derived from this Special Permit, the Planning Board determines that a conflict exists between information from which this Special Permit decision is based and the information associated with the definitive plan, the Planning Board may, upon its determination, require a new Special Permit if it finds that the proposed changes are substantial in nature and of public concern.

Maureen A. Clark
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Town of Grafton, MA

Decision – Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 12 of 13

- 7.) Based on Finding # F33, at the time of filing any definitive plan derived from this Special Permit, evidence shall be provided to the Planning Board regarding compliance with all applicable aspects of Section 5.3.11 regarding use of the common land.
- 8.) At the time of filing a definitive plan derived from this Special Permit, and based upon Finding # F15, detailed design plans and specifications regarding the retaining walls shown on the Plans shall be submitted to the Planning Board for its consideration of said definitive plan application.
- 9.) At the time of filing a definitive plan derived from this Special Permit, and based upon Finding # F15, adequate information shall be submitted to the Planning Board to demonstrate the size of the easement required to construct any retaining walls shown on the Plans.
- 10.) At the time of filing a definitive plan derived from this Special Permit, information that satisfies (as noted in Finding # F 41) the requirements and concerns identified by the Department of Public Works (EXHIBIT 37) regarding the alignment of Old Ferry Street and the proposed road, upgrades to current drainage and sight lines, shall be submitted to the Planning Board.
- 11.) Any Order of Conditions and/or permits issued by the Grafton Conservation Commission with respect to this Application are hereby incorporated by reference and shall constitute a condition of this Special Permit. If such Order of Conditions and/or permits require substantial modifications to any of the plans listed as EXHIBITS 25 and 34 of this Decision, a determination from the Planning Board shall be required, as noted in Condition # 5 of this Decision.
- 12.) This Special Permit decision shall be recorded at the Worcester Registry of Deeds within ten (10) days following the expiration of the appeal period.
- 13.) A copy of such recorded Special Permit decision, including the Deed Book and Page Numbers shall be submitted to the Planning Board Office within thirty (30) days of recording.
- 14.) By recording this Special Permit Decision in the Worcester Registry of Deeds, the Applicant agrees to and accepts the conditions set forth in this Special Permit Decision, and which acceptance shall bind the Applicant and its successors and assigns.
- 15.) Any inability or failure or refusal by the Applicant to comply with the requirements of this Special Permit, when notified of failure of compliance, shall be grounds for the immediate denial of building, construction or occupancy permits with respect to this project.

Maureen A. Clark
Maureen A. Clark, Town Clerk
Town of Grafton

Decision - Grafton Planning Board
MRSP 2002-1 ("Ferry Ridge Estates")
Page 13 of 13

WITNESS our hands this 23rd day of July, 2002.

[Signature]
Robert Hassinger, Chairman

[Signature]
Stephen Dunne, Clerk

[Signature]
Martin Temple, Vice Chairman

[Signature]
Keith Regan, Member

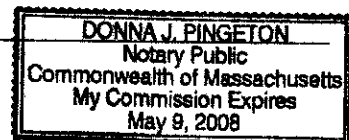
COMMONWEALTH OF MASSACHUSETTS
Worcester ss

July 23, 2002.

On this 23rd day of July, 2002, personally appeared
Stephen Dunne, a member of the Grafton Planning Board, and acknowledged the
foregoing to be _____ free act and deed on behalf of said Board.

[Signature]
Notary Public

My commission expires _____



cc: Applicant
Board of Selectmen
Board of Health
Conservation Commission
Board of Appeals

Town Engineer
Building Inspector
Highway Supervisor
Water District
Board of Sewer Commissioners

To Whom It May Concern: This is to certify that the 20 day appeal period has passed and there have been no appeals made to this office.

Maureen A. Clark
Maureen Clark, Town Clerk
August 13, 2002
Date

ATTEST: WORC. Anthony J. Vigliotti, Register